

REMARKS

Claims 1-3, 5-12, and 14-19 are currently pending in this application with claims 1, 10, and 19 amended, and claims 4 and 13 cancelled herein. No new matter is added by these amendments. Support for these amendments can be found at least in the description in claims 4 and 13 as originally filed.

The office action rejects claims 1-19 under 35 U.S.C. § 102(e) as anticipated by U.S. Published Patent Application No. 2003/0193898 to Wong. The Examiner's rejection is respectfully traversed for at least the following reasons.

Contrary to the assertions of the office action, it is submitted that the relied upon portions of Wong, namely para. [0004], does not teach or suggest a "line condition," as recited in independent claims 1, 10 and 19, as amended herein. As stated above, the features added to these claims by this amendment come substantially from original claims 4 and 13. As best understood Wong teaches only that a new path may be computed after a failure has occurred.

In contrast the present invention, as found for example in amended claim 1, recites:

a line condition acquiring unit that acquires line condition information on a communication condition of a communication line in each route, the line condition information including failure information about presence or absence of a failure in the communication line;

a communication cost calculating unit that calculates a communication cost of each route, based on the line condition information in the routeand the type of failure

As recited in the instant claims, particularly, independent claims 1, 10 and 19, a feature of the present invention is acquiring the line condition information on a communication condition of a communication line in each route, and calculating a communication cost of each route based on the line condition information in the route.

Accordingly, it is respectfully submitted that independent claims 1, 10 and 19 patentably distinguish over the relied upon portions of Wong and are allowable. Claims 2, 3, 5-9, 11, 12, and 14-18, depend from one of these allowable base claims and are allowable therewith. Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. Should the Examiner consider this application not to be in condition for allowance, the Examiner is invited to telephone the undersigned attorney at the number listed below prior to issuing a further action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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